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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON**

ESTATE of DEAN FUNABIKI, by  
and through personal representative,  
RUTH FUNABIKI, ABBY  
FUNABIKI, and EMILY FUNABIKI

Plaintiffs,

vs.

COUNTY OF WHITMAN; JOHN  
DOE 1, in his or her representative  
capacity; and DOES 4-5, in their  
personal capacities,

Defendants.

No.: \_\_\_\_\_

**COMPLAINT FOR DAMAGES**

**JURY TRIAL DEMANDED**

Plaintiff Ruch Funabiki as personal representative for the Estate of Dean  
Funabiki, and Ruth Funabiki on her own behalf, Abby Funabiki, and Emily  
Funabiki, by and through their attorneys of record Jay Krulewitch of Jay H.

1 Hrlewitch, Attorney at Law, and Jeffrey K. Finer of KSB Litigation, allege as  
2 follows:

3 **I. PARTIES**

4 1. At all relevant times, the Estate of Dean Funabiki's appointed Personal  
5 Representative Ruth Funabiki was and is a resident of Whitman County, State of  
6 Washington, and was properly appointed as the personal representative pursuant to  
7 the Order of the Whitman County Superior Court.  
8

9 2. At all relevant times, Plaintiff Ruth Funabiki was and is a resident of  
10 Whitman County, State of Washington and was the wife of Dean Funabiki and a  
11 beneficiary of the Estate.  
12

13 3. Plaintiff Abby Funabili was and is a resident of the State of Oregon and  
14 was the daughter of Dean Funabiki and a beneficiary of the Estate.  
15

16 4. Plaintiff Emily Funabiki was and is a resident of the State of Oregon and  
17 was the daughter of Dean Funabiki and a beneficiary of the Estate.  
18

19 5. At all relevant times, County of Whitman was and is a County in the State  
20 of Washington, operating under color of law Whitman County's Detention  
21 Services and the Whitman County Jail located in Colfax, Washington.  
22

23 6. At all relevant times, John Doe 1 was the policy maker for the Whitman  
24 County Jail as is believed to have been and currently is a resident of Whitman

1 County. John Doe 1 acted under color of law is sued in his personal and  
2 representative capacity.

3 7. At all relevant times, John Does 2-5 were employed at the County Jail for  
4 Whitman County, located in Colfax, Washington, acted under color of law and are  
5 sued in their personal capacities.  
6

## 7 **II. Jurisdiction**

8 9. All acts complained of occurred in the Eastern District of Washington.

9 10. Venue is proper in the United States District Court for the Eastern District  
10 of Washington.  
11

12 11. Jurisdiction is proper in the United States District Court pursuant to Title  
13 42, United States Code § 1988; Title 28 USC § 1331; and 28 USC § 1343(a)(3).  
14 This court has personal and subject matter jurisdiction.

15 12. Supplemental jurisdiction for state-based claims will be sought upon the  
16 expiration of the requisite time period for the presentation of non-judicial claims  
17 upon the County of Whitman. Plaintiffs negligence claims have been presented in  
18 non-judicial form but the requisite time period has not yet elapsed.  
19

## 20 **III. Facts**

21 13. On Friday, February 16, 2018, Dean Funabiki surrendered by pre-  
22 arrangement to the Pullman Police for transfer to the Whitman County Jail (“Jail”)  
23 for pretrial detention.  
24

1 14. Upon his appearance at the Jail he was booked into custody.

2 15. The Jail was aware that Dean Funabiki had no criminal history and had  
3 recently turned 67 years of age.

4 16. The Jail was aware that Dean Funabiki was being held on a serious felony  
5 charge and that he would not be personally brought before a judge sooner than  
6 Tuesday February 20, the 19<sup>th</sup> of February being a state holiday.  
7

8 17. The Jail was aware that Dean Funabiki presented multiple risk factors  
9 placing him in jeopardy of harm, including but not limited to self-harm, due to his  
10 age, criminal history, prominent position in the community, and the nature of the  
11 charge.  
12

13 18. Notwithstanding the Jail's knowledge, and its known duty to protect and  
14 keep safe its detainees, Dean Funabiki was not supervised nor put onto suicide  
15 watch despite his known risk factors, he was put into the general population.  
16

17 19. In reckless disregard of the risks presented by the detainee, the Jail and at  
18 this time unknown Jail personnel permitted Dean Funabiki to inflict upon himself  
19 during the evening of February 18, mortal harm resulting in his death the following  
20 day on February 19, 2018.  
21

22 20. Dean Funabiki was given the time and isolation needed to fashion a  
23 ligature from his bedsheet and to hang himself from the unoccupied upper bunk.  
24



1 inadequate to prevent violation of detainees' rights under the Fourteenth  
2 Amendment and the known and obvious consequences, including death, from its  
3 failure to train and its failure to enact and enforce proper policies, practices, and  
4 procedures to prevent harm to detainees, which violation of rights was the direct  
5 and proximate cause of the death of Dean Funabiki as well as the resulting harm to  
6 his Estate and to Plaintiffs Ruth Funabiki, Abby Funabiki, and Emily Funabiki,  
7 thus depriving each Plaintiff of their rights under the Fourteenth Amendment.  
8

9 26. Does 2 through 5 deprived Plaintiffs' of their rights under 42 United States  
10 Code section 1983, and to be free of intentional, reckless and/or deliberate  
11 indifference to the safety and life of Dean Funabiki while he was detained at the  
12 Whitman County Jail.  
13

14 27. As a direct and proximate cause of the Defendants Doe 2 through 5's  
15 intentional, reckless, or deliberate indifference to the duties owed to detainees,  
16 including their reckless disregard of known risks of harm to detainees, Dean  
17 Funabiki suffered severe mental and physical pain as well as injuries resulting in  
18 death.  
19

20 28. Plaintiffs include the Estate of Dean Funabiki, his widow Ruth Funabiki,  
21 and his two children Abby and Emily Funabiki (together, "Plaintiffs"), who  
22 together seek recovery for damages jointly and severally against the Defendants in  
23 an amount to be proven at the time of trial.  
24

Plaintiffs make the following prayer for relief:

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1 8. For punitive damages sufficient to punish Defendants Doe 1 through 5 and  
2 for their wrongdoing and to deter future conduct;

3 9. For pre-judgment and post-judgment interest;

4 10. For such other and further relief as the Court deems just and proper.  
5

6 DATED this 17th day of February 2021.  
7

8 **JAY KRULEWITCH**  
9

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